

REMARKS

Telephonic Interviews

As an initial matter, the undersigned would like to thank Examiners Kaushal and Woitach for their participation in two telephonic interviews with the undersigned and Dr. Monica Gerber of the Whitehead Institute.¹ During these interviews, the participants discussed clarifying the claims to remove ambiguities that could result in the claims reading on Hozier and/or Taylor. While Applicant maintains that no such ambiguities exist in the claims prior to amendment, Applicant has amended claim 160 solely to expedite prosecution. In the second interview with Examiner Kaushal, which took place on July 2, 2007, Examiner Kaushal stated that his initial position was that the amendment to claim 160 (submitted in draft form prior to the interview) addressed his concerns regarding the cited prior art, and that he was not aware of any other relevant prior art, but that an additional search would be required prior to allowing the claims.

Rejections under 35 U.S.C. §§ 102 and/or 103

The Office rejected claims 160-175 and 237-240 as being anticipated by U.S. Pat. No. 5,563,060, hereinafter “Hozier.” The instant claims, as amended, relate to arrays in which eukaryotic cells are disposed on top of features comprising one or more defined nucleic acid molecules such that the cells become transfected with the one or more defined nucleic acid molecules when the array is maintained for a suitable period of time, to produce an array of reverse transfected cells. At most, Hozier teaches arrays in which

¹ Examiner Woitach did not participate in the second telephonic interview.

subpopulations of cells containing exogenous genetic material are immobilized on a surface. Hozier nowhere teaches or suggests an array in which eukaryotic cells are disposed on top of features comprising one or more defined nucleic acid molecules in discrete locations, as recited in claim 160. Thus Hozier cannot anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

The Office rejected claim 176 as being unpatentable over Hozier in view of Montgomery, et al. As discussed above, Hozier does not teach the invention of claim 160, from which claim 176 depends. Neither does Montgomery, which the Examiner cites solely for its teaching of double-stranded RNA for RNAi experiments and DIG-labeled single stranded DNA probes. Therefore, the combination of Hozier and Montgomery does not render claim 176 obvious.

The Office further rejected claims 160-175 and 237-240 as being anticipated by or obvious over U.S. Pat. No. 6,103,479, hereinafter "Taylor." Taylor teaches arrays of cells. Taylor further teaches that the cells may be genetically engineered to express, e.g., a reporter or a cell surface marker. However, Taylor nowhere teaches or suggests an array of eukaryotic cells are disposed on top of features comprising one or more defined nucleic acid molecules in discrete locations, as recited in claim 160. Thus Taylor cannot anticipate or render obvious the claimed invention. Withdrawal of the rejection is respectfully requested.


CONCLUSION

In conclusion, Applicant submits that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: _____

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